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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/858,245

05/19/1997

ROBERTO PADOVANI

QCPA418

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11/16/2004

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

VO, NGUYEN THANH

ART UNIT

PAPER NUMBER

2685

36

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/858,245

Applicant(s)

PADOVANI, ROBERTO

Examiner

Nguyen T Vo

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-37, 39-43 and 45-49 is/are allowed.
- 6) ☒ Claim(s) 38, 44, 50-53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This action is in response to applicant's petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b) filed on 02/17/2004. This action is made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 38, 44, 50-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersson (5,375,123).

As to claim 38, Andersson discloses all the claimed limitations. More specifically, Andersson discloses "setting a set of parameters of a cellular network to optimize said cellular network" (setting a set of carrier-to-interference ratios of the downlink channels to be used by a plurality of base stations, see column 4 lines 4-48. For the claimed limitation "optimize", see column 5 lines 25-35 which disclosing determining an optimal channel); "operating the cellular network in a predetermined interval" (the time interval in which a mobile station measures pilot signals, and reports the measured pilot signals to the base stations, see column 4 lines 14-49); "compiling strengths of pilot signals received at a mobile station and caused by said operating, said compilation resulting in a pilot strength message" (measuring interference values at the mobile stations, see

column 4 lines 4-49); "communicating said pilot signal strength message from said mobile station to another station" (transmitting the measured values from the mobile station to a base station, see column 4 lines 4-9, lines 16-32), "saving data to a database from said received pilot signal strength messages during said predetermined interval" (see column 5 lines 25-35); and "revising said set of parameters in accordance with said data" (modifying the carrier-to-interference ratios at the base stations, see column 4 lines 33-49). Regarding the newly-added limitation "wherein the mobile station is in communication with at least one base station", applicant's attention is directed to column 4 lines 14-49. The already connected mobile station performs MAHO (mobile assisted handoff) in which it measures signal quality from adjacent base stations during handoff. Since the already connected mobile station is still connecting and communicating with its serving base station during handoff, column 4 lines 14-49 of Andersson reads on the newly-added claimed limitation.

As to claims 44, 50, 52-53, they are rejected for similar reasons as set forth in claim 38 above.

As to claim 51, see Andersson, column 4 lines 4-9, lines 16-32.

Allowable Subject Matter

4. Claims 32-37, 39-43 and 45-49 are allowed.

As to claims 32-37, 39-43 and 45-49, the applied reference fails to disclose or render obvious saving pilot signal strength measurements for each base station in a database, wherein the pilot strength measurements are saved regardless of the measurement value; requesting a majority of said saved pilot strength measurements

from the database; compiling said pilot strength measurements for said each base station; and saving compiled pilot strength messages in a database, as specified in independent claims 32, 39 and 45.

Response to Arguments

5. Applicant's arguments filed 02/17/2004 have been fully considered but they are not persuasive.

Applicant argues that Andersson fails to disclose the newly-added claimed limitation "wherein the mobile station is in communication with at least one base station", applicant's attention is directed to column 4 lines 14-49. The already connected mobile station performs MAHO (mobile assisted handoff) in which it measures signal quality from adjacent base stations during handoff. Since the already connected mobile station is still connecting and communicating with its serving base station during handoff, column 4 lines 14-49 of Andersson reads on the newly-added claimed limitation.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T Vo whose telephone number is (703) 308-6728. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703)305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen Vo


11-15-2004

NGUYEN T. VO
PRIMARY EXAMINER